

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	3

### MR. SPEAKER:

*Your Committee on Public Health, to which was referred Senate Bill 471, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 health.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 12-15-26-3 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 8 JANUARY 1, 2001](RETROACTIVE)]: **Sec. 3. A recipient under the**
- 9 **Medicaid program may not be denied access to or restricted in the**
- 10 **use of a prescription drug for the treatment of a mental illness.**
- 11 SECTION 2. IC 12-15-26-4 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
- 13 JANUARY 1, 2001](RETROACTIVE)]: **Sec. 4. The office and any**
- 14 **entity that provides prescription drugs to a Medicaid recipient**
- 15 **shall make available to Medicaid recipients prescription drugs that**

1     **are used for the treatment of a mental illness without any**  
 2     **restrictions or limitations, including prior authorization, when the**  
 3     **prescription drug is used for the treatment of mental illness.**

4     SECTION 3. IC 35-48-2-1, AS AMENDED BY P.L.14-2000,  
 5     SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6     UPON PASSAGE]: Sec. 1. (a) The board shall administer this article  
 7     and may recommend to the general assembly the addition, deletion, or  
 8     rescheduling of all substances listed in the schedules in sections 4, 6,  
 9     8, 10, and 12 of this chapter by submitting a report of such  
 10    recommendations to the legislative council. In making a determination  
 11    regarding a substance, the board shall consider the following:

- 12       (1) The actual or relative potential for abuse.
- 13       (2) The scientific evidence of its pharmacological effect, if
- 14       known.
- 15       (3) The state of current scientific knowledge regarding the
- 16       substance.
- 17       (4) The history and current pattern of abuse.
- 18       (5) The scope, duration, and significance of abuse.
- 19       (6) The risk to public health.
- 20       (7) The potential of the substance to produce psychic or
- 21       physiological dependence liability.
- 22       (8) Whether the substance is an immediate precursor of a
- 23       substance already controlled under this article.

24       (b) After considering the factors enumerated in subsection (a), the  
 25       board shall make findings and recommendations concerning the control  
 26       of the substance if it finds the substance has a potential for abuse.

27       (c) If the board finds that a substance is an immediate precursor,  
 28       substances which are precursors of the controlled precursor shall not  
 29       be subject to control solely because they are precursors of the  
 30       controlled precursor.

31       (d) If any substance is designated or rescheduled to a more  
 32       restrictive schedule as a controlled substance under federal law and  
 33       notice is given to the board, the board shall recommend similar control  
 34       of the substance under this article in the board's report to the general  
 35       assembly, unless the board objects to inclusion or rescheduling. In that  
 36       case, the board shall publish the reasons for objection and afford all  
 37       interested parties an opportunity to be heard. At the conclusion of the  
 38       hearing, the board shall publish its findings.

(e) If a substance is rescheduled to a less restrictive schedule or deleted as a controlled substance under federal law, the substance is rescheduled or deleted under this article. If the board objects to inclusion, rescheduling, or deletion of the substance, the board shall notify the chairman of the legislative council not more than thirty (30) days after the federal law is changed and the substance may not be rescheduled or deleted until the conclusion of the next complete session of the general assembly. The notice from the board to the chairman of the legislative council must be published.

(f) There is established a ~~fifteen (15)~~ **sixteen (16)** member controlled substances advisory committee to serve as a consultative and advising body to the board in all matters relating to the classification, reclassification, addition to, or deletion from of all substances classified as controlled substances in schedules I to IV or substances not controlled or yet to come into being. In addition, the advisory committee shall conduct hearings and make recommendations to the board regarding revocations, suspensions, and restrictions of registrations as provided in IC 35-48-3-4. All hearings shall be conducted in accordance with IC 4-21.5-3. The advisory committee shall be made up of:

(1) two (2) physicians licensed under IC 25-22.5, one (1) to be elected by the medical licensing board of Indiana from among its members and one (1) to be appointed by the governor;

(2) two (2) pharmacists, one (1) to be elected by the state board of pharmacy from among its members and one (1) to be appointed by the governor;

(3) two (2) dentists, one (1) to be elected by the state board of dentistry from among its members and one (1) to be appointed by the governor;

(4) the state toxicologist or the designee of the state toxicologist;

(5) two (2) veterinarians, one (1) to be elected by the state board of veterinary medical examiners from among its members and one (1) to be appointed by the governor;

(6) one (1) podiatrist to be elected by the board of podiatric medicine from among its members;

(7) one (1) advanced practice nurse with authority to prescribe legend drugs as provided by IC 25-23-1-19.5 who is:

(A) elected by the state board of nursing from among the

- 1 board's members; or  
 2 (B) if a board member does not meet the requirements under  
 3 IC 25-23-1-19.5 at the time of the vacancy on the advisory  
 4 committee, appointed by the governor;  
 5 (8) the superintendent of the state police department or the  
 6 superintendent's designee; ~~and~~  
 7 (9) three (3) members appointed by the governor who have  
 8 demonstrated expertise concerning controlled substances; ~~and~~  
 9 **(10) one (1) member appointed by the governor who is a**  
 10 **psychiatrist with expertise in adolescent psychology.**  
 11 (g) All members of the advisory committee elected by a board shall  
 12 serve a term of one (1) year and all members of the advisory committee  
 13 appointed by the governor shall serve a term of four (4) years. Any  
 14 elected or appointed member of the advisory committee, may be  
 15 removed for cause by the authority electing or appointing the member.  
 16 If a vacancy occurs on the advisory committee, the authority electing  
 17 or appointing the vacating member shall elect or appoint a successor to  
 18 serve the unexpired term of the vacating member. The board shall  
 19 acquire the recommendations of the advisory committee pursuant to  
 20 administration over the controlled substances to be or not to be  
 21 included in schedules I to V, especially in the implementation of  
 22 scheduled substances changes as provided in subsection (d).  
 23 (h) Authority to control under this section does not extend to  
 24 distilled spirits, wine, or malt beverages, as those terms are defined or  
 25 used in IC 7.1, or to tobacco.  
 26 (i) The board shall exclude any nonnarcotic substance from a  
 27 schedule if that substance may, under the Federal Food, Drug, and  
 28 Cosmetic Act or state law, be sold over the counter without a  
 29 prescription."  
 30 Page 1, line 7, delete "psychotropic" and insert "**stimulant**".  
 31 Page 1, line 14, delete "number of prescriptions written for" and  
 32 insert "**percentage of children receiving prescriptions for stimulant**  
 33 **medications;**".  
 34 Page 1, delete line 15.  
 35 Page 1, line 17, delete "heath" and insert "**health**".  
 36 Page 2, between lines 1 and 2, begin a new line block indented and  
 37 insert:  
 38 **"(2) Scientifically determined estimates of the prevalence of**

- 1           **major disorders in children who are treated with stimulant**  
 2           **medications."**  
 3           Page 2, line 2, delete "(2)" and insert "**(3)**".  
 4           Page 2, line 3, delete "subdivision" and insert "**subdivisions**".  
 5           Page 2, line 3, after "(1)" insert "**and (2)**".  
 6           Page 2, line 4, delete "psychotropic" and insert "**stimulant**".  
 7           Page 2, line 6, delete "(3)" and insert "**(4)**".  
 8           Page 2, line 6, delete "psychotropic" and insert "**stimulant**".  
 9           Page 2, line 13, delete "psychotropic" and insert "**stimulant**".  
 10          Page 2, line 16, delete "psychotropic" and insert "**stimulant**".  
 11          Page 2, after line 22, begin a new paragraph and insert:  
 12          "SECTION 5. [EFFECTIVE UPON PASSAGE] **(a) The governor**  
 13          **shall appoint a psychiatrist with expertise in adolescent psychology**  
 14          **as an additional member of the controlled substances advisory**  
 15          **committee under IC 35-48-2-1, as amended by this act, before July**  
 16          **1, 2001.**  
 17          **(b) This SECTION expires July 1, 2001.**  
 18          SECTION 6. **An emergency is declared for this act."**  
 19          Renumber all SECTIONS consecutively.  
           (Reference is to SB 471 as reprinted March 6, 2001.)

**and when so amended that said bill do pass.**

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Representative Brown C